

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2005 MAY 10 PM 3:46

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KENDALL D. GUINN,)
)
Plaintiff,)
)
v.) Civ. No. 05-124-KAJ
)
WARDEN RICK KEARNEY,)
COMMISSIONER STANLEY TAYLOR,)
and BUREAU CHIEF PAUL HOWARD,)
)
Defendants.)

O R D E R

WHEREAS, on December 17, 2004, Plaintiff filed a form civil rights complaint pursuant to 28 U.S.C. § 1983 and the case was opened as 04-1529-KAJ (D.I. 2 in Civ. No. 04-1529-KAJ);

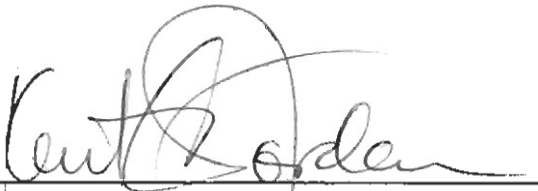
WHEREAS, on February 4, 2005, the Court issued an order finding that Plaintiff's complaint was not frivolous pursuant to 28 U.S.C. § 1915A, directing the United States Marshal ("USM") to serve the complaint upon Defendants, and requiring Plaintiff to provide USM 285-forms, as well as copies of the complaint for service upon Defendants (D.I. 6 in Civ. No. 04-1529-KAJ);

WHEREAS, on March 3, 2005, Plaintiff returned USM 285-forms with copies of his civil rights complaint, without a case number, which was then erroneously interpreted by the Clerk's Office as a new complaint and assigned a new case number, Civ. No. 05-124-KAJ (D.I. 2 in Civ. No. 05-124-KAJ);

NOW, THEREFORE, IT IS ORDERED this 10th day of May, 2005, that:

1. Civ. No. 05-124-KAJ be closed and that the form complaint formerly construed as a new civil rights complaint (D.I. 2 in Civ. No. 05-124-KAJ) along with the USM 285-forms be forwarded to the USM for service in Civ. No. 04-1529-KAJ as directed in the Court's order dated February 4, 2005 (D.I. 6 in Civ. No. 04-1529-KAJ).

2. Plaintiff is not required to pay any fees assessed in Civ. No. 05-124-KAJ.


United States District Judge